

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELYSE UNRATH	:	
	:	CIVIL ACTION NO.
	:	02-CV-3191
	:	
Plaintiff,	:	
V.	:	
	:	
STEAK AND ALE OF PENNSYLVANIA, INC.	:	
	:	
	:	JURY TRIAL DEMANDED
Defendant	:	

**ANSWER OF DEFENDANT,
STEAK AND ALE OF PENNSYLVANIA, INC., TO PLAINTIFF'S COMPLAINT**

Defendant, Steak and Ale of Pennsylvania, Inc., by its attorneys, Daller
Greenberg & Dietrich, LLP, hereby responds to plaintiff's complaint as follows:

FIRST DEFENSE

Steak and Ale of Pennsylvania, Inc. alleges that it is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 8, 10, 11, 15, 16, and 17 of the complaint; denies as conclusions of law paragraph 4 of the complaint; and denies each and every allegation in paragraphs 7, 9, 12, 13, and 14 of the complaint.

With respect to the averments in paragraph 2 of plaintiff's complaint, Steak and Ale of Pennsylvania, Inc. admits that it is a Nevada corporation which operates restaurants in Pennsylvania under the fictitious trade name Bennigan's Grill & Tavern, and is permitted and qualified to conduct business within the Commonwealth of Pennsylvania. The remaining allegations of paragraph 2 of the complaint are denied.

With respect to the allegations in paragraphs 3 and 5 of plaintiff's complaint, it is admitted that on or about May 15, 2000, Steak and Ale of Pennsylvania, Inc. possessed and generally controlled the premises known as Bennigan's Grill and Tavern located at 2231 Cottman Avenue, Philadelphia, Pennsylvania. It is specifically denied that Steak and Ale of Pennsylvania, Inc. owned the premises. After reasonable investigation, defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraphs 3 and 5 of the complaint because plaintiff has not identified the individuals whom she alleges were agents, servants, workmen or employees of the defendant.

Steak and Ale of Pennsylvania, Inc. denies each and every other allegation contained in the complaint.

WHEREFORE, Steak and Ale of Pennsylvania, Inc. demands judgment in its favor with costs and other relief which may be appropriate.

SECOND DEFENSE

Plaintiff's claim may be barred by the doctrine of comparative negligence.

THIRD DEFENSE

Plaintiff's claim may be barred by plaintiff's assumption of the known risk associated with her conduct.

WHEREFORE, Steak and Ale of Pennsylvania, Inc., demands judgment in its favor with costs and other relief which may be appropriate.

DALLER GREENBERG & DIETRICH, LLP

By: 

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Attorneys for Defendant,
Steak and Ale of Pennsylvania, Inc.

CERTIFICATE OF SERVICE

I, Diane M. Fleming, hereby certify that a true and correct copy of the foregoing Answer to Plaintiff's Complaint was served, on May 30, 2002, by first-class United States mail, postage prepaid, as follows:

Michael F. McCartin, Esquire
Murry L. Greenfield & Associates
9636 Bustleton Avenue
Philadelphia, PA 19115
Attorney for Plaintiff


Diane M. Fleming

Date: May 30, 2002